

# HOUSE JOURNAL

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SEVENTY-NINTH LEGISLATURE, THIRD CALLED SESSION

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## PROCEEDINGS

FOURTEENTH DAY — TUESDAY, MAY 9, 2006

The house met at 11 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 54).

Present — Mr. Speaker; Allen, A.; Alonzo; Anchia; Anderson; Bailey; Berman; Blake; Bohac; Bonnen; Branch; Brown, B.; Brown, F.; Burnam; Callegari; Campbell; Casteel; Chavez; Chisum; Coleman; Cook, B.; Cook, R.; Crabb; Crownover; Davis, J.; Davis, Y.; Dawson; Delisi; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Eiland; Eissler; Elkins; England; Escobar; Farabee; Farrar; Flores; Flynn; Frost; Gallego; Gattis; Geren; Giddings; Gonzales; Gonzalez Toureilles; Goodman; Goolsby; Griggs; Grusendorf; Guillen; Haggerty; Hamilton; Hamric; Hardcastle; Harper-Brown; Hartnett; Hegar; Hernandez; Herrero; Hill; Hochberg; Hodge; Homer; Hope; Hopson; Howard, C.; Howard, D.; Hughes; Hunter; Hupp; Isett, C.N.; Jackson; Jones, D.; Jones, J.; Keel; Keffer, B.; Keffer, J.; King, P.; King, T.; Kolkhorst; Krusee; Kuempel; Laney; Laubenberg; Leibowitz; Luna; Madden; Martinez; Martinez Fischer; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Morrison; Mowery; Naishtat; Nixon; Noriega, R.; Oliveira; Olivo; Orr; Otto; Paxton; Peña; Phillips; Pickett; Pitts; Puente; Quintanilla; Raymond; Reyna; Riddle; Ritter; Rodriguez; Rose; Seaman; Smith, T.; Smith, W.; Smithee; Solis; Solomons; Strama; Straus; Swinford; Taylor; Thompson; Truitt; Turner; Uresti; Van Arsdale; Veasey; Villarreal; Vo; West; Wong; Woolley; Zedler.

Absent, Excused — Denny; Talton.

Absent — Castro; Corte, V.; Hilderbran; Moreno, P.

The invocation was offered by Reverend Don Long, Hyde Park Baptist Church, Austin, as follows:

Almighty, glorious, and blessed God, vouchsafe thine aid to the house members of this great State of Texas in all their present undertakings. Dispel whatever spirit of discard may here arise. Enrich each heart with that most excellent gift of charity so that all actions may be full of the spirit of kindness and forbearance one toward another.

We pray that your wisdom and patience shall fill the heart and mind of Speaker Craddick as he leads the deliberations of this assembly this day. And God, bless Texas. Amen.

The speaker recognized Representative Chisum who led the house in the pledges of allegiance to the United States and Texas flags.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

Talton on motion of Nixon.

**BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER**

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 8).

(Hilderbran now present)

**HR 492 - ADOPTED  
(by Eissler)**

Representative Eissler moved to suspend all necessary rules to take up and consider at this time **HR 492**.

The motion prevailed.

The following resolution was laid before the house:

**HR 492**, Honoring William John Makar of The Woodlands for his performance on American Idol.

**HR 492** was read and was adopted.

On motion of Representative Hope, the names of all the members of the house were added to **HR 492** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Eissler who introduced Will Makar, his parents John and Shirlyn Makar, and his sister Ann Hudson.

**LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for the remainder of today because of important business in the district:

Flores on motion of Geren.

**HR 505 - ADOPTED  
(by Anderson)**

Representative Anderson moved to suspend all necessary rules to take up and consider at this time **HR 505**.

The motion prevailed.

The following resolution was laid before the house:

**HR 505**, Congratulating Sarah Middlebrook of West on being crowned the 2006 Miss Texas Czech-Slovak Queen.

**HR 505** was read and was adopted.

On motion of Representative West, the names of all the members of the house were added to **HR 505** as signers thereof.

**INTRODUCTION OF GUESTS**

The speaker recognized Representative Anderson who introduced Sarah Middlebrook and her parents Edward and Sharon Middlebrook.

(Woolley in the chair)

**HR 206 - READ  
(by Naishtat)**

The chair laid out and had read the following previously adopted resolution:

**HR 206**, In memory of Jesse "Guitar" Taylor of Austin.

**HR 460 - ADOPTED  
(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 460**.

The motion prevailed.

The following resolution was laid before the house:

**HR 460**, Honoring Alison Borchgrevink for her service as a legislative intern.

**HR 460** was read and was adopted.

**HR 461 - ADOPTED  
(by Naishtat)**

Representative Naishtat moved to suspend all necessary rules to take up and consider at this time **HR 461**.

The motion prevailed.

The following resolution was laid before the house:

**HR 461**, Honoring Claire Barber for her service as a legislative intern.

**HR 461** was read and was adopted.

**INTRODUCTION OF GUEST**

The chair recognized Representative Swinford who introduced Logan West, state F.F.A. president. Mr. West briefly addressed the house.

**HR 507 - ADOPTED  
(by Guillen)**

Representative Guillen moved to suspend all necessary rules to take up and consider at this time **HR 507**.

The motion prevailed.

The following resolution was laid before the house:

**HR 507**, Congratulating Manuel Z. Montes of Laredo on his selection as Youth of the Year.

**HR 507** was read and was adopted.

On motion of Representatives Hughes and Raymond, the names of all the members of the house were added to **HR 507** as signers thereof.

#### **INTRODUCTION OF GUEST**

The chair recognized Representative Guillen who introduced Manuel Z. Montes.

(Castro now present)

#### **LEAVE OF ABSENCE GRANTED**

The following member was granted leave of absence for today because of important business in the district:

V. Corte on motion of Hilderbran.

#### **HCR 39 - ADOPTED (by Hilderbran)**

Representative Hilderbran moved to suspend all necessary rules to take up and consider at this time **HCR 39**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 39**, Honoring Beatrice Marie Langehennig on her 35 years of outstanding service as county and district clerk for Mason County.

**HCR 39** was adopted.

#### **HR 511 - ADOPTED (by Peña)**

Representative Peña moved to suspend all necessary rules to take up and consider at this time **HR 511**.

The motion prevailed.

The following resolution was laid before the house:

**HR 511**, In memory of Texas State Trooper Eduardo Chavez of Edinburg.

**HR 511** was read and was unanimously adopted by a rising vote.

On motion of Representatives Berman and Gonzales, the names of all the members of the house were added to **HR 511** as signers thereof.

#### **HCR 35 - ADOPTED (by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HCR 35**.

The motion prevailed.

The following resolution was laid before the house:

**HCR 35**, Designating July 21, 2006, as Frances Cox Henderson Remembrance Day.

**HCR 35** was adopted.

**HR 508 - ADOPTED**  
**(by Hunter)**

Representative Hunter moved to suspend all necessary rules to take up and consider at this time **HR 508**.

The motion prevailed.

The following resolution was laid before the house:

**HR 508**, In memory of Juan D. Martinez.

**HR 508** was unanimously adopted by a rising vote.

**HR 515 - ADOPTED**  
**(by Hughes)**

Representative Hughes moved to suspend all necessary rules to take up and consider at this time **HR 515**.

The motion prevailed.

The following resolution was laid before the house:

**HR 515**, Honoring Saint Paul Missionary Baptist Church in Mineola on the 135th anniversary of its founding and on the dedication of its Texas Historical Marker.

**HR 515** was adopted.

**HR 520 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 520**.

The motion prevailed.

The following resolution was laid before the house:

**HR 520**, Recognizing the national convention of the Kwara State Association of Nigeria, North America, in Houston in June 2006.

**HR 520** was adopted.

**HR 523 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 523**.

The motion prevailed.

The following resolution was laid before the house:

**HR 523**, Congratulating the members of the eighth-grade class of Northwest Preparatory Academy Charter School of Houston on the occasion of their graduation.

**HR 523** was adopted.

**HR 521 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 521**.

The motion prevailed.

The following resolution was laid before the house:

**HR 521**, In memory of Richard Henri Punch, Jr., of Houston.

**HR 521** was unanimously adopted by a rising vote.

**HR 522 - ADOPTED**  
**(by Dutton)**

Representative Dutton moved to suspend all necessary rules to take up and consider at this time **HR 522**.

The motion prevailed.

The following resolution was laid before the house:

**HR 522**, In memory of Horace Williams III of Houston.

**HR 522** was unanimously adopted by a rising vote.

**HR 519 - ADOPTED**  
**(by Madden)**

Representative Madden moved to suspend all necessary rules to take up and consider at this time **HR 519**.

The motion prevailed.

The following resolution was laid before the house:

**HR 519**, Congratulating the Plano West Senior High School girls' basketball team for winning the 2006 5A state championship.

**HR 519** was adopted.

**HR 509 - ADOPTED**  
**(by Thompson)**

Representative Thompson moved to suspend all necessary rules to take up and consider at this time **HR 509**.

The motion prevailed.

The following resolution was laid before the house:

**HR 509**, Expressing the Texas House of Representatives' support for the American Stroke Association's "Power to End Stroke" campaign.

**HR 509** was read and was adopted.

(Speaker in the chair)

#### **COMMITTEE MEETING ANNOUNCEMENT**

The following committee meeting was announced:

Business and Industry and State Affairs joint meeting, 1 p.m. today, E1.004.

#### **PROVIDING FOR ADJOURNMENT**

Representative Hardcastle moved that, pending receipt of messages from the senate, the house adjourn until 10 a.m. tomorrow in memory of the Honorable John Kimbrough of Haskell.

The motion prevailed.

(Kolkhorst in the chair)

#### **MESSAGE FROM THE SENATE**

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

#### **ADJOURNMENT**

In accordance with a previous motion, the house, at 6:29 p.m., adjourned until 10 a.m. tomorrow.

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#### **ADDENDUM**

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#### **SIGNED BY THE SPEAKER**

The following bills and resolutions were today signed in the presence of the house by the speaker:

**House List No. 8**

**HB 4**

#### **MESSAGES FROM THE SENATE**

The following messages from the senate were today received by the house:

**Message No. 1**

MESSAGE FROM THE SENATE  
SENATE CHAMBER  
Austin, Texas  
Tuesday, May 9, 2006

The Honorable Speaker of the House  
House Chamber  
Austin, Texas

Mr. Speaker:

I am directed by the senate to inform the house that the senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

**HB 2** Pitts SPONSOR: Williams  
Relating to the allocation of certain revenue from franchise taxes, motor vehicle sales and use taxes, and taxes on cigarettes and other tobacco products to school district property tax relief and public education.  
(COMMITTEE SUBSTITUTE/AMENDED)

**SCR 5** Lindsay  
Honoring James D. "Doug" Pitcock, Jr., of Houston as the 2006 Engineer of the Year.

**SCR 6** Barrientos  
Recognizing the cultural importance of Tejano music and urging Spanish-language radio and television stations to provide improved access to Tejano music.

Respectfully,  
Patsy Spaw  
Secretary of the Senate

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## APPENDIX

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### STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

**May 8**

Corrections - **HB 87, HB 129**

Pensions and Investments - **HB 73**